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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,558	12/27/2001	Makoto Taniguchi	FUJY 19.282	7540
26304	7590	07/06/2004	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN			DOAN, KIET M	
575 MADISON AVENUE			ART UNIT	
NEW YORK, NY 10022-2585			PAPER NUMBER	
			2683	4

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,558

Applicant(s)

TANIGUCHI, MAKOTO

Examiner

Kiet Doan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☒ Certified copies of the priority documents have been received in Application No. 2001-259526.
 - 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/27/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1. Claim **1-6, 9, 10-15 and 18**, are rejected under 35 U.S.C. 102(e) as being anticipated by Stammers (Patent No. 6,754,492).

Consider **claims 1 and 10**, Stammers teaches a home agent providing mobility transparent communications to a mobile node temporarily connected to a second network as a mobile destination different from a first network normally utilized (Col 1, Lines 45-53 teach communicate to second mobile device) said home agent comprising: a module receiving a new registration request from said mobile node via said second network (Col 1, Lines 54-60 teach new register request) a module detecting, when receiving the new registration request, that lease addresses of a DHCP server and addresses pooled beforehand are all occupied (Col 3, Lines 55-65 teach store/pool information) and a module searching for, when detecting that all the addresses are occupied, an address on the basis of

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self-managed information and allocating the searched address to said mobile node (Col 4, Lines 14-31 teach detect information in a mobile node).

Consider **claims 2 and 11**, Stammers teach a home agent further comprising a module temporarily pooling the address requested to be open by said mobile node without immediately returning the address to said DHCP server (Col 2, Lines 15-27 teach pooling the address to be open).

Consider **claims 3 and 12**, Stammers teaches a home agent further comprising a module allocating the temporarily pooled address to said mobile node making the new registration request (Col 3, Lines 10-22 teach mobile node in allocation).

Consider **claims 4 and 13**, Stammers teaches a home agent further comprising a module extracting an address just before time-out of a life time and allocating this extracted address to said mobile node making the new registration request (Col 4, Lines 50-67 teach extracted address technique making the new registration request).

Consider **claims 5 and 14**, Stammers teaches a home agent wherein the address just before the time-out of the life time is extracted from a mobile binding list (Col 1, Lines 65-76 teach extracted mobile from binding list).

Consider **claims 6 and 15**, Stammers teaches a home agent further comprising a module administering address allocation priorities of users corresponding to said mobile nodes (Col 6, Lines 1-14 teach administering allocation priorities).

Consider **claims 9 and 18**, Pierce further teach a home agent further comprising a module temporarily pooling the address used by the user stopped from receiving the mobile service without immediately returning the same address to said DHCP server (Col 4, Lines 14-27 teach pooling the address).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 7- 8 and 17-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Stammers (Patent No. 6,754,492) and further view of Pierce (Patent No. 5,666,364).

Consider **claims 7- 8, 17-18**, Stammers teaches all the claimed limitations as disclosed in claims 1-6, 9 and 11-15, 18 above. Stammers fails to teach when the new registration request is given from said mobile node used by a higher priority user, extracting a lower priority user, stopping providing a mobile service to the extracted user, and allocating an address used by the extracted user to said mobile node making the new registration request. In an analogous art, Pierce teach "Method for prioritizing services provide by different network entities". Further, Pierce teach when the new registration request is given from said mobile node (Col 2, Lines 43-44) used by a higher priority user, extracting a lower priority user, stopping providing a mobile service to the extracted user (Col 2, Lines 49-53) and allocating an address used by the extracted user to said mobile node making the new registration request (Col 4, 39-43).

Therefore, It would have been obvious at the time that the invention was made that person having ordinary skill in the art to include, within the Stammers system, method for prioritizing, as taught by Pierce to modify the system to provide a better service for the users.

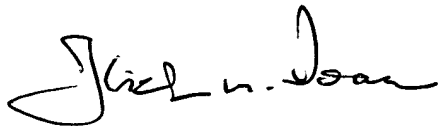
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 703-305-4749. The examiner can normally be reached on 8am - 5pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patent examiner
06/25/2004



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
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